

IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF OHIO
EASTERN DIVISION

United States of America

v.

Case No. 2:00-cr-24-1

Myron T. Clark

Date of Original Judgment: September 22, 2000

ORDER ON MOTION FOR REDUCTION OF SENTENCE

This matter is before the court on the defendant's motion under 18 U.S.C. §3582(c)(2) for a reduction in the term of imprisonment imposed based on a guideline sentencing range that has subsequently been lowered and made retroactive by the United States Sentencing Commission pursuant to 28 U.S.C. §994(u).

Defendant was originally sentenced to terms of incarceration of 110 months on Counts 1, 4, 6, 8 and 9 of the indictment, all to run concurrently, to a term of 84 months on Count 5 of the indictment, to run consecutively, and to a term of incarceration of 300 months on Count 7, to run consecutively. In light of Amendment 748 to the United States Sentencing Guidelines, made retroactive by Amendment 750, the defendant has moved for a reduction of his sentence. The parties agree that defendant is eligible for a reduction. After considering defendant's original guideline range, the extent of any downward departure due to defendant's substantial assistance or downward variance, if applicable, the factors listed in 18 U.S.C. §3553(a), the facts of defendant's case and defendant's behavior while incarcerated, the parties have concluded that defendant's early release would not present a danger to the safety of the public. With the exception of the consecutive terms of imprisonment imposed on Counts 5 and 7, which are to remain in

effect, the parties jointly recommend that defendant's sentence be reduced to a sentence of 51 months incarceration.

Whether to grant a reduction of sentence pursuant to §3582(c)(2) is within the discretion of the court. United States v. Ursery, 109 F.3d 1129, 1137 (6th Cir. 1997). In considering whether a reduced sentence is appropriate, this court must consider the factors in 18 U.S.C. §3553(a) to the extent that they are applicable. §3582(c)(2).

Having considered the motion, and taking into account the policy statement set forth in U.S.S.G. §1B1.10 and the sentencing factors set forth in §3553(a), the motion is hereby granted. The terms of imprisonment of 110 months previously imposed on Counts 1, 4, 6, 8 and 9 of the indictment are hereby reduced to terms of imprisonment of 51 months on each of Counts 1, 4, 6, 8 and 9 of the indictment, all to run concurrently with each other. The consecutive term of imprisonment of 84 months previously imposed on Count 5 and the consecutive term of imprisonment of 300 months previously imposed on Count 7 shall remain in effect, resulting in an aggregate sentence of 435 months.

Except as provided above, all other provisions of the judgment previously entered in this case shall remain in effect.

s\James L. Graham
James L. Graham
United States District Judge

Order Date: December 23, 2011